

ASSEMBLY BILL NO. 162—COMMITTEE ON EDUCATION

FEBRUARY 21, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing class-size reduction. (BDR 34-724)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for certain grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Superintendent of Public Instruction, on or before
2 August 1, November 1, February 1 and May 1 of each year, to apportion the State
3 Distributive School Account in the State General Fund among the 17 county school
4 districts in amounts approximating one-fourth of their respective yearly
5 apportionments. (NRS 387.124) **Section 1** of this bill requires the board of trustees
6 of each school district to report to the Department of Education on those same
7 dates: (1) the average daily attendance of pupils and the ratio of pupils per licensed
8 teacher for grades 1, 2 and 3; or (2) if the school district has an alternative class-
9 size reduction plan approved by the State Board of Education, the average daily
10 attendance of pupils and the ratio of pupils per licensed teacher for those grades in
11 elementary school that are required to comply with the alternative class-size
12 reduction plan. **Section 1** also requires each school district to post the information
13 reported to the Department on the school district’s Internet website as well as
14 information concerning any variances from the prescribed pupil-teacher ratios
15 granted by the State Board for an elementary school within the school district.



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16 Existing law provides that the ratio of pupils per licensed teacher in
17 kindergarten and grades 1, 2 and 3 must not exceed 15 to 1. (NRS 388.700) In lieu
18 of complying with these pupil-teacher ratios, a school district in a county whose
19 population is less than 100,000 (currently all counties other than Clark and Washoe
20 Counties) may request approval from the State Board for a plan to reduce pupil-
21 teacher ratios: (1) in grades 1, 2 and 3, not to exceed 22 to 1; and (2) in grades 4
22 and 5 or grades 4, 5 and 6, as applicable for the elementary school, not to exceed 25
23 to 1. (NRS 388.720) During previous sessions, the Legislature has, within the limits
24 of available funding, appropriated money for class-size reduction in amounts that
25 authorized pupil-teacher ratios which were higher than the statutorily prescribed
26 ratios. **Section 2** of this bill statutorily increases the prescribed ratios: (1) for
27 kindergarten and grades 1 and 2, to 16 to 1; and (2) for grade 3, to 18 to 1. In
28 addition, **section 2** requires a school district that exceeds the ratios statutorily
29 prescribed in any quarter of a school year to request a variance for the next quarter
30 from the State Board. **Section 2** further requires the State Board to provide a
31 quarterly report to the Interim Finance Committee on each variance requested by a
32 school district during the preceding quarter and, if a variance was granted, the
33 specific justification for the variance. Finally, **section 2** provides that for purposes
34 of determining compliance with the pupil-teacher ratios, a school district must not
35 include the count of any teachers who teach one or two specific subject areas to
36 more than one classroom of pupils.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. On or before August 1, November 1, February 1 and*
4 *May 1 of each year, the board of trustees of each school district*
5 *shall report to the Department for the preceding quarter:*

6 *(a) Except as otherwise provided in paragraph (b), the average*
7 *daily attendance of pupils and the ratio of pupils per licensed*
8 *teacher for grades 1, 2 and 3 for each elementary school in the*
9 *school district.*

10 *(b) If the State Board has approved an alternative class-size*
11 *reduction plan for the school district pursuant to NRS 388.720, the*
12 *average daily attendance of pupils and the ratio of pupils per*
13 *licensed teacher for those grades which are required to comply*
14 *with the alternative class-size reduction plan for each elementary*
15 *school in the school district.*

16 *2. The board of trustees of each school district shall post on*
17 *the Internet website maintained by the school district:*

18 *(a) The information concerning average daily attendance and*
19 *class size for each elementary school in the school district, as*
20 *reported to the Department pursuant to subsection 1; and*

21 *(b) An identification of each elementary school in the school*
22 *district, if any, for which a variance from the prescribed pupil-*



1 *teacher ratios was granted by the State Board pursuant to*
2 *subsection 4 of NRS 388.700.*

3 **Sec. 2.** NRS 388.700 is hereby amended to read as follows:

4 388.700 1. Except as otherwise provided in this section,
5 ~~after the last day of the first month of the school year,~~ *for each*
6 *school quarter of a school year*, the ratio in each school district of
7 pupils per licensed teacher designated to teach, on a full-time basis,
8 in classes where core curriculum is taught:

9 (a) In kindergarten and grades 1 ~~1~~ *and 2*, *must not exceed 16*
10 *to 1*, and *in grade 3*, must not exceed ~~15~~ *18* to 1; or

11 (b) If a plan is approved pursuant to subsection 3 of NRS
12 388.720, must not exceed the ratio set forth in that plan for the grade
13 levels specified in the plan.

14 ➔ In determining this ratio, all licensed educational personnel who
15 teach a grade level specified in paragraph (a) or a grade level
16 specified in a plan that is approved pursuant to subsection 3 of NRS
17 388.720, as applicable for the school district, must be counted
18 except teachers of art, music, physical education or special
19 education, *teachers who teach one or two specific subject areas to*
20 *more than one classroom of pupils*, and counselors, librarians,
21 administrators, deans and specialists.

22 2. A school district may, within the limits of any plan adopted
23 pursuant to NRS 388.720, assign a pupil whose enrollment in a
24 grade occurs after the last day of the first month of the school year
25 to any existing class regardless of the number of pupils in the class
26 ~~1~~ *if the school district requests and is approved for a variance*
27 *from the State Board pursuant to subsection 4.*

28 3. Each school district that ~~does not meet~~ *includes one or*
29 *more elementary schools which exceed* the ratio of pupils per class
30 ~~1~~ *during any quarter of a school year*, *as reported to the*
31 *Department pursuant to section 1 of this act:*

32 (a) Set forth in subsection 1;

33 (b) Prescribed in conjunction with a legislative appropriation for
34 the support of the class-size reduction program; or

35 (c) Defined by a legislatively approved alternative class-size
36 reduction plan, if applicable to that school district,

37 ➔ must request a variance *for each such school for the next*
38 *quarter of the current school year if a quarter remains in that*
39 *school year or for the next quarter of the succeeding school year,*
40 *as applicable*, from the State Board by providing a written statement
41 that includes the reasons for the request and the justification for
42 exceeding the applicable prescribed ratio of pupils per class.

43 4. The State Board may grant to a school district a variance
44 from the limitation on the number of pupils per class set forth in
45 paragraph (a), (b) or (c) of subsection 3 for good cause, including



1 the lack of available financial support specifically set aside for the
2 reduction of pupil-teacher ratios.

3 5. *The State Board shall, on a quarterly basis, submit a report*
4 *to the Interim Finance Committee on each variance requested by a*
5 *school district pursuant to subsection 4 during the preceding*
6 *quarter and, if a variance was granted, an identification of each*
7 *elementary school for which a variance was granted and the*
8 *specific justification for the variance.*

9 6. The State Board shall, on or before February 1 of each odd-
10 numbered year, *submit a* report to the Legislature on:

11 (a) Each variance ~~granted by it~~ *requested by a school district*
12 *pursuant to subsection 4* during the preceding biennium ~~;~~
13 ~~including~~ *and, if a variance was granted, an identification of each*
14 *elementary school for which variance was granted and* the specific
15 justification for the variance.

16 (b) The data reported to it by the various school districts
17 pursuant to subsection 2 of NRS 388.710, including an explanation
18 of that data, and the current pupil-teacher ratios per class in the
19 grade levels specified in paragraph (a) of subsection 1 or the grade
20 levels specified in a plan that is approved pursuant to subsection 3
21 of NRS 388.720, as applicable for the school district.

22 ~~6.7~~ 7. The Department shall, on or before November 15 of
23 each year, report to the Chief of the Budget Division of the
24 Department of Administration and the Fiscal Analysis Division of
25 the Legislative Counsel Bureau:

26 (a) The number of teachers employed;

27 (b) The number of teachers employed in order to attain the ratio
28 required by subsection 1;

29 (c) The number of pupils enrolled; and

30 (d) The number of teachers assigned to teach in the same
31 classroom with another teacher or in any other arrangement other
32 than one teacher assigned to one classroom of pupils,

33 ~~↳~~ during the current school year in the grade levels specified in
34 paragraph (a) of subsection 1 or the grade levels specified in a plan
35 that is approved pursuant to subsection 3 of NRS 388.720, as
36 applicable, for each school district.

37 ~~7.7~~ 8. The provisions of this section do not apply to a charter
38 school or to a program of distance education provided pursuant to
39 NRS 388.820 to 388.874, inclusive.

40 **Sec. 3.** This act becomes effective:

41 1. Upon passage and approval for the purpose of performing
42 any preparatory administrative tasks necessary to carry out the
43 provisions of this act; and



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2. On July 1, 2013, for all other purposes.

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